

Exhibit 10
to Declaration of Rachel Doughty

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CHAPTER 2 – IDENTIFICATION OF RIPARIAN CONSERVATION AREAS**

2.5 - RIPARIAN CONSERVATION AREAS (RCA)

An area delineated next to water features requiring special management practices to maintain and/or improve watershed and riparian-dependent resource conditions. Riparian Conservation Areas (RCAs) may overlap all land use designations. RCAs include the following areas:

1. Perennial streams, intermittent streams, aquatic ecosystems, meadows and any other areas with riparian conditions (lakes, reservoirs, ponds, wetlands, vernal pools, seeps, and springs), floodplains and inner gorges.
2. Suitable or occupied riparian habitat delineated for threatened, endangered, proposed, candidate, and/or sensitive species.

Perennial streams not having identifiable riparian vegetation should still be managed under RCA guidance. Ephemeral channels carry water to intermittent streams and should be protected to the extent that they do not contribute substantial amounts of sediment and other deleterious materials into the system due to management activities.

The forest plans environmental geographic information systems (GIS) layer and the species accounts, which are located in the forest plans reading room, display or describe water body types and special protection distances for any threatened, endangered, proposed, candidate, or sensitive species. This specific portion of the landscape is managed primarily to protect, maintain, or improve:

1. Water quality,
2. Site productivity,
3. Channel stability,
4. Riparian vegetation, and
5. Riparian-dependent species and habitat including: threatened, endangered, proposed, candidate and sensitive species, as well as many non-federally listed fish, wildlife, and plants

Instructions for project level delineation of RCAs are found in standard S47 and Appendix E in part 3 of the forest plans. Generally, all areas within a horizontal distance of approximately 328 feet (100 meters) from each edge of perennial streams and lakes/reservoirs or within approximately 98 feet (30 meters) of the edge of seasonally flowing/intermittent streams are delineated as RCAs. See this FSH supplement, chapter 3, for management techniques to use within RCAs.

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applicable guidance found in this FSH supplement for site-specific management techniques when conducting activities within RCAs.

1. Stream Protection Measures (Overview). A variety of forest management activities may occur within RCAs, both as planned activities and as emergency actions. The stream protection measures found in chapter 3, sections 3.21 – 3.38 of this FSH supplement apply to all RCAs. The measures are not intended to exclude streamside areas from management for forage, wildlife, water uses or other management activities. They are intended to assist in the design and implementation of projects that maintain and improve conditions for riparian-dependent resources.

3.21 - Stream Protection Measures General to ALL MANAGEMENT ACTIVITIES

1. *ALL APPLICABLE BEST MANAGEMENT PRACTICES (BMPs)* (USDA Forest Service 2000a) *SHOULD BE IDENTIFIED AND FOLLOWED IN ALL GROUND DISTURBING FOREST MANAGEMENT ACTIONS*, including in all contracts, operating plans, and work orders.
2. Prevent or limit activities that could cause channel aggradations or disaggradations (incisions).
3. Limit any activities on defined ground water recharge areas that may introduce contaminants to the groundwater, prevent or significantly reduce water infiltration, or that prevent groundwater from reaching wells.
4. Limit any chemical applications in or near RCAs and use containment methods that minimize risk of entry to surface and ground water.
5. Limit disturbance on incised slopes, meadows, streams, and rehabilitate damage caused by the activity to restore or improve riparian areas.
6. When stabilizing damaged streams, preferentially use methods that emphasize natural stream restoration designs and vegetative stabilization. Use native vegetation for stream restorations whenever possible (USDA Forest Service 2001).
7. Existing uses, activities, or occupancy within RCA's should be evaluated for risks or impacts and mitigated during special use renewal or re-issuance. If mitigation measures are not effective, reassess with the option to modify or eliminate the use, activity or occupancy when impacts are unacceptable.
8. Living native woody riparian vegetation should not be cut or removed, except during road, trail or facility maintenance and where riparian management objectives can be met.
9. Maintain vegetation where practicable to provide adequate shade to meet riparian objectives (based on the potential of the site).

3.22 - General to Any Vegetation Manipulation Projects (other than Prescribed Fire described in section 3.23)

A minimum protective ground cover objective shall be established and maintained **where natural conditions allow** throughout the year. Utilize section 3.22, exhibit 01, Minimum

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channels (also see Road Construction and Maintenance section 3.30 below). Existing skid roads, skid trails, and landings, assessed on a site-specific basis, should generally not be reconstructed for use, but should be re-vegetated after the activity has ended. Obliteration efforts may be necessary on such temporary facilities to promote rapid re-vegetation.

7. No new landings should be built in the RCA. Old landings should be properly drained and an acceptable ground cover established. *Note:* If it would be environmentally favorable to use the landing once more instead of constructing a new one, then do so using special protective measures as specified by an earth scientist or biologist.

3.25 - Administration of Water Flow and Use

1. Review new special use permit applications for surface and ground water extraction and for transport of water across National Forest System lands and assess the potential impacts on aquatic and riparian ecosystems on or off the forest. Proponents should demonstrate that proposed development would meet the riparian management objectives. Apply forest plans standards S45, S46, S47, and S48 as applicable.

3.26 - Wildland Fire Suppression

1. *FIRE FIGHTER AND PUBLIC SAFETY WILL NOT BE COMPROMISED.*
2. Apply guidance found in FSM 5130 - Wildland Fire Suppression. Avoid construction of dozer and hand lines within RCAs whenever possible. When dozer lines must be constructed, use Minimum Impact Suppression Tactics (MIST), including raising the blade and walking dozers across riparian and aquatic areas (forest plans, part 3, Appendix B). Construct hand lines along the outer perimeter of riparian areas based on high severity fire behavior. Install erosion control measures to protect riparian areas.
3. Refer to "Guidelines for Aerial Applications of Retardants and Foams in Aquatic Environments" (USDA Forest Service 2000b) in forest plans, part 3, Appendix F regarding avoidance of the delivery of chemical retardant, foam, or additives to surface waters (also see MIST). Specifically, direct the use of fire retardant and Class A foam away from riparian areas. Avoid applying retardant and Class A foam to flowing watercourses.
4. A Resource Advisor should be assigned, at the discretion of the Line Officer, to wildland fires to assist in resource protection and considerations during suppression activities.
5. Apply "Guidelines for Emergency Consultation with National Oceanic and Atmospheric Administration (NOAA) Fisheries for Wildland Fires" (National Marine Fisheries Service 2002) and the U.S. Fish and Wildlife Service Guidelines for Emergency Wildfire Suppression.
6. Consider life cycle and habitat requirements of threatened, endangered, proposed, candidate, and sensitive species when developing suppression strategies and tactics in RCAs. Tactics that may affect these species and habitats can include line construction,

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10. A biologist, or designee, should be present when heavy equipment is used in a flowing channel. The contracting officer/inspector must notify the biologist at least three days prior to initiation of construction activities to allow adequate time for site visits and surveys.
11. Implement all applicable Best Management Practices (BMPs) (see section 3.21), especially:
 - a. Post-storm inspections and maintenance,
 - b. Identification and correction of serious road drainage problems that may contribute to the degradation of RCAs. Riparian resources should receive high priority in road operations and maintenance,
 - c. Regulation of traffic during wet periods to prevent damage to riparian resources (wet weather closures). Establish and document the purpose of each road within the forest road management system,
12. Monitor these actions and use monitoring results to bring operations into compliance with conservation objectives and the forest plans standards. Monitoring would verify the implementation and effectiveness of the above actions to ensure they comply with management objectives.

3.31 - Lands and Special Uses

Land Exchanges, Acquisitions and Sales:

1. All proposed land transactions should include a full evaluation of riparian and aquatic resources on Federal lands, and if necessary, private parcels.

Rights-of-way:

1. All proposed rights-of-way grants should include a full evaluation of riparian and aquatic resources on Federal lands, and if necessary, in private parcels.
2. Locate all new rights-of-way grants on private lands outside RCAs to the extent possible.

Special Uses:

1. In accordance with FSH 2709.11, schedule to review all surface water diversions to ensure compliance with applicable environmental laws such as the Endangered Species Act, Safe Drinking Water Act, Clean Water Act, and so forth.
2. Ensure that proof of water right is established prior to issuing or re-issuing Special Use Permits (S.U.P.).

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3. Where water use is part of a permit or is evident ensure that all S.U.P. applicants have secured the appropriate U.S. Army Corps of Engineers 404 permit, California Department of Fish and Game 1601 Stream Alteration Agreement, and California Regional Water Quality Control Board 401 Certification before issuing a S.U.P. that would result in channel alteration.
4. When issuing S.U.P.s recognize and incorporate traditional uses (for example: Native American gathering of basketry material) and identify possible effects on RCAs and threatened, endangered, proposed, candidate and sensitive species and habitats.

3.32 - Administration of Prospecting and Mining

1. New mineral activities that are likely to cause significant disturbances to surface resources and any modifications, renewals, and reauthorizations of existing approved plans of operation, contracts, or permits implement the forest plans standard S47 and Appendix E.
2. Use forest plans database to identify which mining areas on the forest need special attention. Include review of Plans of Operation (P.O.O.) to ensure that protection of RCAs and riparian resources is provided.
3. Require P.O.O.s for operations and reclamation activities and bonds for all mineral operations that are likely to cause significant surface disturbance within riparian habitat where threatened, endangered, proposed, candidate, and sensitive species may be affected. Plans of operation in threatened, endangered, proposed, candidate, and sensitive habitat should include closures during breeding seasons if necessary.
4. Locate structures, support facilities, and roads outside RCAs where practicable. Where no alternative to placing facilities in RCAs exists, locate them in a way to minimize adverse impacts. Road construction should be kept to the minimum necessary for approved P.O.O.s. Construct and maintain such roads to minimize damage to RCAs and riparian resources. When a road is no longer required, P.O.O.s should include instructions to the miner regarding road obliteration and rehabilitation and reflect that Forest Service would conduct or oversee the roadwork.
5. Avoid the placement of mine tailings, soil and overburden, similar materials or wastes, and sanitary waste facilities in RCAs. Where these restrictions are not feasible, design the activity to eliminate discharges that could cause detrimental effects. Monitor facilities and mining residue in or adjacent to RCAs to ensure discharges are not causing detrimental effects. When detrimental effects are identified take actions to bring them into conformance.
6. For leasable minerals, avoid surface occupancy within RCAs where contracts and leases do not exist. Modify or amend existing operating plans where possible to move towards the riparian desired conditions described in part 1 of the forest plans.
7. Sand and gravel extraction under the Minerals Materials Act should be approved in RCAs if the project follows forest plans standard S47 and Appendix E. Consider only permitting sand, river rock, and gravel mining and extraction within RCAs if no